

Message

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**From:** Bodine, Susan [bodine.susan@epa.gov]  
**Sent:** 9/17/2018 4:21:02 PM  
**To:** Ross, David P [ross.davidp@epa.gov]; Forsgren, Lee [Forsgren.Lee@epa.gov]  
**CC:** Ex. 6 - Administrator's Email Konkus, John [konkus.john@epa.gov]  
**Subject:** FW: Letter from Human Rights Watch  
**Attachments:** HRW letter to EPA 9.17.18.pdf

Three permitting questions and one enforcement question.

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**From:** Susan Raqib [mailto:raqibs@hrw.org]  
**Sent:** Monday, September 17, 2018 11:59 AM  
**To:** Wheeler, Andrew <wheeler.andrew@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>  
**Cc:** Sarah Saadoun <saadous@hrw.org>  
**Subject:** Letter from Human Rights Watch

Dear Mr. Wheeler,

Human Rights Watch is an independent, nongovernmental organization that monitors and reports on human rights in 90 countries around the world. We have carried out research regarding the serious health risks of mountaintop removal mining in central Appalachia and the regulatory response to those risks.

Please find attached a letter summarizing some of our interim findings, as well as a request for further information. We would appreciate a reply before October 4, 2018, so that we can reflect your views in our forthcoming report. We would also greatly appreciate confirmation that you have received this letter.

We would welcome the opportunity to further discuss this important issue with you.

Thank you,  
Susan

--

Susan Raqib  
Senior Coordinator  
Human Rights Watch  
350 Fifth Avenue, 34<sup>th</sup> Fl  
New York, NY 10018

Ex. 6 - Personal Privacy

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September 17, 2018

Andrew Wheeler  
Environmental Protection Agency  
1200 Pennsylvania Ave NW  
Washington, DC 20004

Cc: Susan Bodine

Dear Mr. Wheeler,

Human Rights Watch is an independent, nongovernmental organization that monitors and reports on human rights in 90 countries around the world. We have carried out research regarding the serious health risks of mountaintop removal mining in central Appalachia and the regulatory response to those risks.

We write now to provide you with a summary of our interim findings, and to request further information relating to those findings that we can reflect in our forthcoming report. In the interests of thorough and objective reporting, we request that you provide us with your reply, including answers to the questions listed below and any other comments that you consider appropriate, by October 8, 2018.

Our investigation has included an examination of peer-reviewed scientific literature that reveal significant health disparities between populations living in Appalachian counties where mountaintop removal is prevalent and those where there is only other types of mining or no mining at all. The studies also indicate that harmful concentrations of air pollution and widespread contamination of streams can be found near mine sites. Our findings suggest that even as this evidence of risks to human health and environment came to light, the Environmental Protection Agency (EPA) has failed to enforce, or ensure states properly enforce, rules implementing the Clean Water and Air Acts that would prevent, curtail, or address the environmental and related health risks of mountaintop removal.

HUMAN  
RIGHTS  
WATCH

HRW.org

Questions:

1. In light of studies indicating the health risk posed by mountaintop mining, as well as severe degradation of streams near these mines, has the EPA taken or considered taking any actions to change its process for issuing permits for valley fills or for monitoring, preventing, mitigating or remediating possible Clean Water Act violations due to mountaintop removal mining?
2. Does the EPA allow mining companies seeking permits to categorize overburden from mountaintop removal as "fill," under section 402 of the Clean Water Act (CWA), rather than "waste," under section 404? If so, is there any instance overburden is not classified as fill? What instance?
3. Does the EPA continue to issue permits for valley filling related to mountaintop removal mining under a national permitting scheme, and, if so, what is the basis for doing so while ensuring consistency with EPA guidelines requiring individual permitting when discharge may result in more than minimal impacts to the aquatic environment?
4. Several peer-reviewed studies conducted by West Virginia University scientists measured concentrations of toxic particulate matter in residential areas near mountaintop removal sites that dramatically exceeded legal limits under the Clean Air Act. What steps, if any, has the EPA taken to ensure that areas near surface mining sites comply with particulate matter limits?

We would also welcome an opportunity to discuss these issues with you or other EPA representatives. If you would like to arrange such a discussion, please contact Susan Raqib ([raqibs@hrw.org](mailto:raqibs@hrw.org)).

Thank you for your kind assistance in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Arvind Ganesan', with a stylized flourish at the end.

Arvind Ganesan  
Director  
Business and Human Rights

Message

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**From:** Konkus, John [konkus.john@epa.gov]  
**Sent:** 2/1/2019 6:51:29 PM  
**To:** **Ex. 6 - Administrator's Email**  
**Subject:** Re: Former Obama Official Makes Outlandishly False Claim About Trump EPA

Ok good thought

On Feb 1, 2019, at 1:47 PM, **Ex. 6 - Administrator's Email** wrote:

Someone should send to to her producer.

Sent from my iPhone

Begin forwarded message:

**From:** "EPA Press Office" <press@epa.gov>  
**Date:** February 1, 2019 at 1:45:02 PM EST  
**To:** **Ex. 6 - Administrator's Email**  
**Subject:** Former Obama Official Makes Outlandishly False Claim About Trump EPA  
**Reply-To:** [press@epa.gov](mailto:press@epa.gov)

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## Former Obama Official Makes Outlandishly False Claim About Trump EPA

Yesterday on Fox News' The Story with Martha MacCallum, Former Chair of the Council of Economic Advisers under President Obama Austan Goolsbee made a false claim regarding EPA's Mercury and Air Toxics Standards.

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**Former Obama Official Austan Goolsbee:** "But look, I'm telling you, when you see the EPA changing the rules, so that power plants can dump more mercury into our drinking water."

**FACT CHECK:** This is false.

EPA **has not proposed to revise, remove, or alter** the Mercury and Air Toxics Standards (MATS) that addresses mercury and other hazardous air pollutant emissions from power plants. EPA **is not proposing to remove, or delist**, electric generating units from the list of source categories subject to regulation under Clean Air Act Section 112, **nor has**

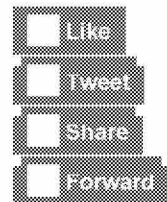
it proposed to rescind or weaken the emission standards to which those units are currently subject.

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Washington, D.C. 20004

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**From:** Ross, David P [ross.davidp@epa.gov]  
**Sent:** 1/7/2019 10:11:12 PM  
**To:** **Ex. 6 - Administrator's Email**  
**Subject:** Re: January 7 -- Greenwire is ready

## Ex. 5 - Deliberative Process

Sent from my iPad

On Jan 7, 2019, at 3:36 PM, **Ex. 6 - Administrator's Email** wrote:

### Ex. 5 - Deliberative Process

**From:** Ross, David P  
**Sent:** Monday, January 7, 2019 3:08 PM  
**To:** **Ex. 6 - Administrator's Email**  
**Cc:** Lyons, Troy <lyons.troy@epa.gov>  
**Subject:** Fwd: January 7 -- Greenwire is ready

### Ex. 5 - Deliberative Process

Sent from my iPad

Begin forwarded message:

**From:** E&E News <ealerts@eenews.net>  
**Date:** January 7, 2019 at 1:32:22 PM EST  
**To:** <ross.davidp@epa.gov>  
**Subject:** January 7 -- Greenwire is ready

[Read today's Greenwire on the web](#)

# GREENWIRE

AN E&E NEWS PUBLICATION

**GREENWIRE — Mon., January 7, 2019**



**READ FULL EDITION**

#### 1. PUBLIC LANDS:

### Dark money fuels transparency-focused conservation group

COLUMBIA FALLS, Mont. — Founded in 2013 to bring "transparency to the public lands debate," the Montana-based Western Values Project has gained national attention for helping expose former Interior

Secretary Ryan Zinke's industry ties and potential ethical violations. But with the group's growing stature has come increased scrutiny of its opaque sources of funding.

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#### TOP STORIES

##### 2. SUPREME COURT:

**Justices reject Exxon appeal in Mass. climate case**

##### 3. NATIONAL PARKS:

**Troubles grow as NPS taps visitor fees to clean up sites**

##### 4. APPROPRIATIONS:

**House sets vote to reopen Interior, EPA**

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#### POLITICS

##### 5. NOMINATIONS:

**Agencies agree to policy changes after confirmations**

##### 6. PEOPLE:

**Lamar Smith lands at Akin Gump**

##### 7. NOAA:

**Trump's pick to head agency divests from AccuWeather**

##### 8. PEOPLE:

**Curbelo joins Center for Global Energy Policy**

##### 9. CALIFORNIA:

**New governor hires climate expert with Steyer ties**

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#### NATURAL RESOURCES

##### 10. CHESAPEAKE BAY:

**Watershed 'suffered a massive assault in 2018'**

##### 11. MINING:

**Coal fatalities dip, hardrock rise slightly**

##### 12. NATIONAL PARKS:

**Locals try to 'muster the troops' for La. battlefield events**

##### 13. EXTREME WEATHER:

**Calif. storm brings power outages, shuts down highway**

##### 14. WILDLIFE:

**Ore. agrees to consider Humboldt marten trapping ban**

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#### LAW

##### 15. NATIONAL PARKS:

**Firing of drunk police officer to be reviewed**

16. TECHNOLOGY:

**Weather Channel app accused of mishandling users' data**

ENERGY

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17. UTILITIES:

**Alabama Power raises rates to deal with coal ash**

18. NATURAL GAS:

**Ill. governor OKs safety enforcement for underground tanks**

19. RENEWABLES:

**Ind. city to build solar farm to power sewage plant**

AIR AND WATER

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20. OCEANS:

**Huge trash-collecting boom in Pacific breaks apart**

21. DRINKING WATER:

**New tests of southwestern Mich. wells find no dioxin**

22. DROUGHT:

**Water activist drops bid to finish 100 marathons in 100 days**

STATES

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23. PENNSYLVANIA:

**Natural gas service mostly returns after widespread shutoff**

24. ILLINOIS:

**Former suburban Chicago fire chief charged with felony theft**

INTERNATIONAL

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25. AFRICA:

**Nations divided over ivory trade ahead of wildlife meeting**

26. ALPS:

**Avalanche risk remains high after several die in accidents**

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Message

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**From:** Gary H. Baise [gbaise@ofwlaw.com]  
**Sent:** 12/19/2018 3:56:52 PM  
**To:** Ex. 6 - Administrator's Email  
**Subject:** FW: [EXTERNAL] Re: Hundreds Cheer New WOTUS Proposal in Tennessee

Andrew,

Ann and I enjoyed talking to you at the Embassy of Japan reception for the Emperor's birthday.

You have a tough job and let me know when you want to visit with Ruckelshaus.

Also , your agriculture counsellor job is open. I created this position when Bill and team started EPA. Ex. 6 - Personal Privacy

## Ex. 6 - Personal Privacy

Gary

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**From:** Russell Laird Ex. 6 - Personal Privacy  
**Sent:** Wednesday, December 19, 2018 10:20 AM  
**To:** Gary H. Baise <gbaise@ofwlaw.com>  
**Subject:** [EXTERNAL] Re: Hundreds Cheer New WOTUS Proposal in Tennessee

Looks like a good event and good progress on the WOTUS issue. Ex. 6 - Personal Privacy  
Ex. 6 - Personal Privacy

Best regards,

Russell

Ex. 6 - Personal Privacy

On Wednesday, December 19, 2018, 10:10:47 AM EST, Gary H. Baise <gbaise@ofwlaw.com> wrote:

All:

More positive news for agriculture.

Gary



U.S. ENVIRONMENTAL PROTECTION AGENCY  
**NEWS RELEASE**  
WWW.EPA.GOV/NEWSROOM

## **Hundreds Cheer New Waters of the United States Proposal in Tennessee**

*Wheeler and Perdue Outline Proposal That Would Bring Certainty to Farmers, Business Owners, and the American Public.*

**NASHVILLE (December 18, 2018)** - Four hundred Tennessee farmers, ranchers, small business owners and other stakeholders came to the Wilson County Exposition Center in Lebanon Tennessee on Wednesday morning to hear Acting Environmental Protection Agency (EPA) Administrator Andrew Wheeler highlight the new Trump Administration proposal redefining the “waters of the United States” (WOTUS) -- and they were happy with what they heard.

Acting Administrator Wheeler told the crowd that the main driver behind the new proposal was to create certainty for the American people.

**“One goal of our new proposed definition is to help landowners understand whether a project on their property will require a federal permit or not without having to hire outside professionals,”** said EPA Acting Administrator Andrew Wheeler. **“Our proposal would replace the Obama EPA’s 2015 definition with one that respects the limits of the Clean Water Act and provides Tennessee and its landowners the certainty they need to manage their natural resources and grow their local economies.”**

Acting Administrator Wheeler was joined by representatives from the Army Corps of Engineers, and Department of Agriculture. Secretary of Agriculture Sonny Perdue, who has long fought for the repeal of the 2015 Obama Administration WOTUS rule, spoke and hailed the redefinition proposal that clarifies federal authority under the Clean Water Act as a positive achievement for American agriculture.

**“When I meet with the men and women of American agriculture, one of their chief concerns is always the overreach of federal regulations. The 2015 WOTUS rule is regularly singled out as particularly egregious, as landowners have told me it impedes the use of their own land and stifles productivity,”** said United States Department of Agriculture Secretary Sonny Perdue. **“Farmers and ranchers are exceptional stewards of the**

environment, and states have their own standards as well. This welcome action from the EPA and Army Corps will help bring clarity to Clean Water Act regulations and help farmers know where federal jurisdiction begins and ends. President Trump is making good on his promise to reduce burdensome regulations to free our producers to do what they do best – feed, fuel, and clothe this nation and the world.”

Unlike the Obama administration's 2015 definition of “waters of the United States,” the Trump proposal contains a straightforward definition that would result in significant cost savings, protect the nation’s navigable waters, help sustain economic growth, and reduce barriers to business development.

Among those speaking at today’s event was American Farm Bureau Federation President Zippy Duvall who said, **“Farmers and ranchers work every day to protect our nation’s waterways and drinking water. For more than five years we have advocated for a new water rule that protects clean water and provides clear rules for people and communities to follow. This new rule will empower farmers and ranchers to comply with the law, protect our water resources and productively work their land without having to hire an army of lawyers and consultants.”**

The proposal, which is co-signed by the Army, is the second step in a two-step process to review and revise the definition of “waters of the United States” consistent with President Trump’s February 2017 Executive Order entitled “Restoring the Rule of Law, Federalism, and Economic Growth by Reviewing the ‘Waters of the United States’ Rule.” The Executive Order states that it is in the national interest to ensure that the nation’s navigable waters are kept free from pollution, while at the same time promoting economic growth, minimizing regulatory uncertainty, and showing due regard for the roles of Congress and the states under the Constitution.



Acting EPA Administrator Andrew Wheeler addresses agriculture stakeholders in Nashville, Tennessee.

Acting EPA Administrator Wheeler and Secretary of Agriculture Sonny Perdue meet with members of 4-H.



Acting Administrator Wheeler greets members of Future Farmers of America.

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M. Amita Hannon Christmon

Intergovernmental Liaison

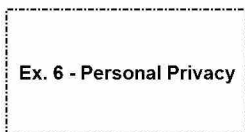
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